

AMENDED IN SENATE MARCH 28, 2006

SENATE BILL

No. 1812

Introduced by Senator Runner

February 24, 2006

An act to add Section 820.1 to the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1812, as amended, Runner. Department of Transportation: surface transportation project delivery pilot program.

Existing law gives the Department of Transportation full possession and control of state highways and associated property. Existing federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery pilot program, as specified. The Secretary is authorized to permit up to 5 states, including California, to participate in the program and California has agreed to that participation.

This bill would authorize the Director of Transportation to consent to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities assumed pursuant to the surface transportation project delivery pilot program, and would make related provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 820.1 is added to the Streets and
- 2 Highways Code, to read:

1 820.1. (a) The director is authorized to consent to the
2 jurisdiction of the federal courts with regard to the compliance,
3 discharge, or enforcement of the responsibilities assumed by the
4 department pursuant to *Section 326 of, and* subsection (a) of
5 Section 327 of, Title 23 of the United States Code.

6 (b) Consent to the jurisdiction of the federal courts pursuant to
7 subdivision (a) shall constitute a waiver of the state's Eleventh
8 Amendment protection against lawsuits brought in federal court.
9 *The waiver, as applied to Section 326 of Title 23 of the United*
10 *States Code, shall expire at the end of three years if the*
11 *assumption of responsibilities is not renewed, or if the*
12 *assumption of responsibilities is terminated under subsection (d)*
13 *of Section 326 of Title 23 of the United States Code.* The waiver,
14 *as applied to subsection (a) of Section 327 of Title 23 of the*
15 *United States Code,* shall expire upon termination of the
16 program, or of the state's participation in the program, under
17 subsection (i) of Section 327 of Title 23 of the United States
18 Code, except that the waiver shall remain in effect for any
19 responsibility carried out by the state prior to that termination.